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Dated: January 3, 2003

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(Arnold H. Krumholz)

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TC 1700

Docket No.: LAGROTH 3.3-023
(PATENT)

1733
#11
3/2/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lundgren et al.

Application No.: 09/830,864

Group Art Unit: 1733

Filed: August 23, 2001

Examiner: S.C.C. Yao

For: METHOD AND ARRANGEMENT FOR THE
CONTINUOUS PRODUCTION
OFLIGNOCELLULOSE-CONTAINING
BOARDS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the official action dated December 5, 2002, in which claims 7-14 were held to be subject to a restriction or election requirement, the following remarks are respectfully submitted.

In the official action of December 5, 2002, the Examiner has taken the position that claims 7-14 contain two inventions; namely, Group I of claims 7-11 drawn to a method of making lignocellulosic boards, and Group II of claims 12-14 drawn to an apparatus for making lignocellulosic boards.

In response to this restriction requirement, as required, applicants hereby provisionally elect Group I of claims 7-11 drawn to a method of making lignocellulosic boards. However, applicants respectfully traverse this rejection.

In particular, in the official action, the Examiner contends that these two inventions do not relate to a single general inventive concept because they allegedly lack the same or corresponding special technical features. However, the Examiner's reason for this appears to be his contention that the same or corresponding technical features are allegedly unpatentable based upon alleged obviousness over two cited references. The Examiner's position


in this regard is entirely improper. The issues of potential restriction and patentability are different, and if the claims of Groups I and II have the same technical feature, then they should not be restricted, and the Examiner should merely reject all of those claims as being unpatentable, if that is the Examiner's position. To use alleged unpatentability as a basis for a restriction requirement is, again, entirely improper, and the restriction requirement should be withdrawn immediately for that reason alone.

It is therefore respectfully requested that prosecution on the merits of this application now proceed, and that the Examiner withdraw the restriction requirement and examine all of the claims in this application at this time. If, however, for any reason the Examiner still does not believe that such action can be taken, it is respectfully requested that the Examiner telephone applicants' attorney at 908-654-5000 in order to overcome any further objections the Examiner may to the continued prosecution of this application.

Finally, if any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: January 3, 2003

Respectfully submitted,

By 
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